IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY THE FIFTH DAY OF JULY TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 13614 of 1994

Between:
Koganti Steels Pvt.Ltd., rep.by its Director, D.V. Prakash son of Dungarmal, Jawahar Autonagar, Vijayawada

..... PETITIONER

AND

1 Secretary , Ministry of Finance, Union of India New Delhi
2 Collector , General Excise, Basheerbagh, Hyderabad
3 Assistant collector, Central Excise, Vijaywada

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a Writ in the nature of Certiorari by quashing the adjudication order No. 35/94 (C.No.V/72/3/54/94 VAL) dt. 15/07/94 of the 3rd respondent and direct him to approve benefit of Exemption Notification No. 1/93, dt. 28/02/93 as amended together with the benefit of deemed credit if necessary by declaring Explanation II of Notification 1/93 CE, dt. 28/02/93 and order No. TS/36/94-TRU, dt. 1/03/1994 as arbitrary, discriminatory on the ground of Non-inclusion under inclusion of cases of clearances by MODVAT which are other wise exempted for the purpose of arriving the aggregate Value, to the petitioner.

For the Petitioner:DR.P.B.VIJAY KUMAR, Advocate.

For the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court Made the Following :

ORDER : (Per Sri Bilal Nazki, J).

On last occasion nobody appeared when the matter was called, therefore it was ordered to be posted today for dismissal. Today also none appeared. Hence, the Writ Petition is dismissed for non-appearance and non-prosecution. No costs.

_____

(BILAL NAZKI, J)

5th July, 2004.

_____

(P.S.NARAYANA,J)

ajr.

To

1 Secretary , Ministry of Finance, Union of India New Delhi
2 Collector , General Excise, Basheerbagh, Hyderabad
3 Assistant collector, Central Excise, Vijaywada

4 Two C.Cs. to the Government Pleader for Prohibition & Excise, High Court
Buildings, Hyderabad (O.U.T).
5 Two C.D. copies.